

REMARKS

Claims 1, 3-9, 11, 13-19 and 21-24 are pending in this application. By this Amendment, the specification and claims 1, 8, 11, 19 and 23 are amended and claim 10 is canceled without prejudice or disclaimer. Various amendments are made to the claims for clarity and are unrelated to issues of patentability.

The Office Action rejects claims 1, 3-11 and 13-18 under 35 U.S.C. §112, first paragraph, as failing to comply with the written description requirement. The Office Action asserts that the specification fails to describe that “the re-transmission data includes data that was previously partially sent to a transport channel.” Applicant respectfully disagrees. Paragraphs [0027]-[0028] of the present specification describes that when data loss occurs while a transfer channel transfers data received from logic channels through physical channels, re-transmission of corresponding data is required from a peer. Accordingly, the present specification relates to a method for re-transmitting previously transmitted data. The specification is also amended at paragraph [0046] to specifically state that the data to be re-transmitted includes data that was previously partially sent (from one of the logic channels) to a transport channel. Thus, the specification contains a written description of the claimed features. Withdrawal of the rejection is respectfully requested.

The Office Action rejects claims 1, 4, 8, 11, 16-19 and 21-24 under 35 U.S.C. §102(e) by newly-cited U.S. Patent Publication 2008/0144571 to Marinier et al. (hereafter the Marinier publication). The Office Action also rejects claims 3 and 9-10 under 35 U.S.C. §103(a) over the Marinier publication in view of U.S. Patent 6,333,789 to Shima. Still further, the Office Action

Reply to Office Action dated January 30, 2009

rejects claims 5-7 and 13-15 under 35 U.S.C. §103(a) over the Marinier publication in view of U.S. Patent 6,944,178 to Charriere et al. (hereafter Charriere). The rejections are respectfully traversed with respect to the pending claims.

Independent claim 1 recites receiving information from each of a plurality of logical channels, each received information including information about an amount of re-transmission data that exists in a buffer that corresponds to the specific logic channel. Independent claim 1 also recites selecting data to transmit from one of the plurality of logical channels based at least on the received information about the amount of the re-transmission data that exists in the corresponding buffer for each specific logical channel and based on whether re-transmission data exist in the corresponding buffer of a logical channel rather than by a priority of the logical channel. Independent claim 1 also recites that the re-transmission data includes data that was previously partially sent to a transport channel.

The present application claims priority from Korean Application 10-2002-0073207, filed November 22, 2002. The Korean priority document fully supports each of the rejected claims. Applicant is attaching an English language translation of the Korean priority document. The Marinier publication is based on U.S. Application No. 10/329,308, filed December 23, 2002. Thus, the Korean priority document predates the U.S. effective filing date (for the non-provisional application) for the Marinier publication. Subject matter within the Marinier publication is not prior art to the claims of the present application under 35 U.S.C. §102(e).

The Marinier publication is further based on U.S. Application No. 60/397,360, filed July 19, 2002 (hereafter the Marinier provisional application). The Marinier provisional application

Reply to Office Action dated January 30, 2009

does not teach or suggest all the features of independent claim 1. The Marinier provisional application also does not suggest the features of paragraph [0009] from the Marinier publication, which is cited in the Office Action. The rejections should be withdrawn at least for these reasons.

Even if the Marinier publication were prior art, the Marinier publication still does not teach or suggest all the features of independent claim 1. More specifically, the Marinier publication discloses that TFC selection is based on an amount of buffered data of each logic channel. See similar features disclosed in paragraphs [0029]-[0030] of the present specification. However, as disclosed in paragraphs [0029]-[0032] of the present specification, when re-transmission of data is required under a state that data sending is performed based on the amount of buffered data of logic channels and priorities of logic channels, corresponding data can not be immediately re-transmitted.

In order to solve these problems, the present specification describes a non-limiting example in which a determination is made whether re-transmission data of each logic channel exists or not, and the amount of re-transmission data may be considered at the time of TFC selection. TFC selection may be performed based on data characteristics relating to re-transmission, rather than the amount of data buffered to logic channels, and priorities of the logic channels. Accordingly, re-transmission data may be transmitted first.

TFC selection may be performed based on whether re-transmission data exists at the logic channels, and based on the amount of re-transmission data, as well as based on the amount of buffered data of the logic channels.

Reply to Office Action dated January 30, 2009

The Marinier publication does not teach or suggest selecting data to transmit from one of the plurality of logical channels based at least on the received information about the amount of the re-transmission data that exists in the corresponding buffer for each specific logical channel and based on whether re-transmission data exist in the corresponding buffer of a logical channel rather than by a priority of the logical channel, wherein the re-transmission data includes data that was previously partially sent to a transport channel, as recited in independent claim 1. See paragraph [0009] of the Marinier publication.

For at least these reasons, the Marinier publication (and the Marinier provisional application) does not teach or suggest all the features of independent claim 1. The other applied references do not teach or suggest the features of independent claim 1 missing from the Marinier publication (and/or the Marinier provisional application). Thus, independent claim 1 defines patentable subject matter.

Independent claim 8 recites receiving information corresponding to a data amount of a buffer and a characteristic of data to be transmitted from each of a plurality of logical channels, and selecting data to transmit from one of the plurality of logic channels based at least on the data characteristic of each of the plurality of logical channels. Independent claim 8 also recites that selecting the data comprises: determining which ones of the plurality of logic channels include re-transmission data in a buffer corresponding to the specific logic channel, wherein the re-transmission data includes data previously sent from the corresponding logic channel with a data loss, and selecting one of the logical channels based on an amount of the re-transmission data and based on whether re-transmission data exist in the corresponding buffer of a logical

Reply to Office Action dated January 30, 2009

channel rather than by a priority of each of the plurality of logical channels that are determined to include the re-transmission data in their corresponding buffer.

For at least similar reasons as set forth above, the applied references do not teach or suggest at least these features of independent claim 8. More specifically, the Marinier provisional application does not teach or suggest the features of independent claim 8. The Marinier provisional application does not teach the subject matter of paragraph [0009], which is cited in the Office Action. Additionally, the Marinier publication (and the Marinier provisional application and the other applied references) does not teach or suggest selecting one of the logical channels based on an amount of the re-transmission data and based on whether re-transmission data exist in the corresponding buffer of a logical channel rather than by a priority of each of the plurality of logical channels that are determined to include the re-transmission data in their corresponding buffer, as recited in independent claim 8. Thus, independent claim 8 defines patentable subject matter.

Independent claim 11 recites receiving information from each of a plurality of logical channels, and selecting data of a specific one of the logical channels based on priorities of the logical channels and based on an amount of re-transmission data that exists for each logical channel in a corresponding buffer, and based on whether re-transmission data exist in the corresponding buffer of a logical channel rather than by a priority of the logical channel, the selected data based on the received information, wherein the re-transmission data includes data that was previously partially sent from one of the logic channels. Independent claim 11 also recites transmitting the selected data from the transport channel.

Reply to Office Action dated January 30, 2009

For at least similar reasons as set forth above, the applied references do not teach or suggest at least these features of independent claim 11. More specifically, the Marinier provisional application does not teach or suggest the features of independent claim 11. The Marinier provisional application does not teach the subject matter of paragraph [0009], which is cited in the Office Action. Additionally, the Marinier publication (and the Marinier provisional application and the other applied references) does not teach or suggest selecting data of a specific one of the logical channels based on priorities of the logical channels and based on an amount of re-transmission data that exists for each logical channel in a corresponding buffer, and based on whether re-transmission data exist in the corresponding buffer of a logical channel rather than by a priority of the logical channel, the selected data based on the received information, as recited in independent claim 11. Thus, independent claim 11 defines patentable subject matter.

Independent claim 19 recites receiving information regarding data characteristics of each of a plurality of logical channels, the received information including re-transmission information. Independent claim 19 also recites selecting one of the logical channels based at least on the received re-transmission information regarding an amount of re-transmission data that exists for each specific logical channel in a corresponding buffer, and based on whether re-transmission data exist in the corresponding buffer of a logical channel rather than by a priority of the logical channel.

For at least similar reasons as set forth above, the applied references do not teach or suggest at least these features of independent claim 19. More specifically, the Marinier

Reply to Office Action dated January 30, 2009

provisional application does not teach or suggest the features of independent claim 19. The Marinier provisional application does not teach the subject matter of paragraph [0009], which is cited in the Office Action. Additionally, the Marinier publication (and the Marinier provisional application and the other applied references) does not teach or suggest selecting one of the logical channels based at least on the received re-transmission information regarding an amount of re-transmission data that exists for each specific logical channel in a corresponding buffer, and based on whether re-transmission data exist in the corresponding buffer of a logical channel rather than by a priority of the logical channel, as recited in independent claim 19. Thus, independent claim 19 defines patentable subject matter.

Independent claim 23 recites a plurality of logical channels each to transmit information regarding a data characteristic of the respective logical channel, each logic channel including a corresponding buffer. Independent claim 23 also recites a transport channel to select one of the logical channels based at least on the transmitted information regarding the data characteristic of each respective logical channel, wherein the transport channel determines whether the logical channels include re-transmission data in the corresponding buffers and the transport channel selects one of the logical channels based on priorities of logical channels that include the re-transmission data among the plurality of the logical channels and an amount of the re-transmission data that exists in the corresponding buffers for the specific logical channels.

For at least similar reasons as set forth above, the applied references do not teach or suggest at least these features of independent claim 23. More specifically, the Marinier provisional application does not teach or suggest the features of independent claim 23. The

Reply to Office Action dated January 30, 2009

Marinier provisional application does not teach the subject matter of paragraph [0009], which is cited in the Office Action. Additionally, the Marinier publication (and the Marinier provisional application and the other applied references) does not teach or suggest the transport channel determines whether the logical channels include re-transmission data in the corresponding buffers and the transport channel selects one of the logical channels based on priorities of logical channels that include the re-transmission data among the plurality of the logical channels and an amount of the re-transmission data that exists in the corresponding buffers for the specific logical channels, as recited in independent claim 23. Thus, independent claim 23 defines patentable subject matter.

Accordingly, each of independent claims 1, 8, 11, 19 and 23 defines patentable subject matter. Each of the dependent claims depends from one of the independent claims and therefore defines patentable subject matter at least for this reason. In addition, the dependent claims recite features that further and independently distinguish over the applied references.

CONCLUSION

In view of the foregoing, it is respectfully submitted that the application is in condition for allowance. Favorable consideration and prompt allowance of claims 1, 3-9, 11, 13-19 and 21-24 are earnestly solicited. If the Examiner believes that any additional changes would place the application in better condition for allowance, the Examiner is invited to contact the undersigned attorney at the telephone number listed below.

To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this,

Serial No. **10/715,421**

Docket No. **P-0592**

Reply to Office Action dated January 30, 2009

concurrent and future replies, including extension of time fees, to Deposit Account 16-0607 and please credit any excess fees to such deposit account.

Respectfully submitted,
KED & ASSOCIATES, LLP



David C. Oren
Registration No. 38,694

Attachment: Verified English translation of Priority Document

P.O. Box 221200
Chantilly, Virginia 20153-1200
(703) 766-3777 DCO/kah

Date: March 31, 2009

Please direct all correspondence to Customer Number 34610